

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DEBORAH LEPINE, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

PETCO ANIMAL SUPPLIES STORES, INC.,
a Delaware Corporation,

Defendants.

No. 3:17-cv-05483-RBL

**ORDER GRANTING PLAINTIFF'S
MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

The Court granted preliminary approval to the proposed class action Settlement Agreement on August 7, 2018 ("Preliminary Approval Order"), at which time it directed that notice be given to all putative Settlement Class Members, that a briefing and hearing schedule be set for final approval of the settlement and plaintiffs' application for attorneys' fees, expenses and class representative service award, and that Settlement Class Members be given the right to opt out of the settlement or object to any aspect of the settlement (including the proposed attorneys' fees, expenses and service award).

Having read and considered the submissions of the parties and their counsel, including Plaintiff's Motion for Final Approval and supporting pleadings filed on November 2, 2018, and the arguments presented at the duly-noted Final Approval Hearing on November 9, 2018, and good cause appearing therefor, the Court hereby ORDERS as follows;

1 1. The Court finds that the Notice of Proposed Class Action Settlement (“Notice”),
2 as mailed to all Settlement Class Members, in accordance with the Court’s prior Preliminary
3 Approval Order, fairly and adequately described the terms of the proposed Settlement
4 Agreement, and the manner in which Settlement Class Members could object to the settlement
5 or, opt out of the Settlement Class. The Court finds that the Notice was the best notice
6 practicable under the circumstances; was distributed in an appropriate manner and provided
7 reasonable and sufficient notice to all Settlement Class Members; and complied fully with Fed.
8 R. Civ. P. 23(e)(1)(B), due process, and all other applicable laws. A full and fair opportunity has
9 been afforded to Settlement Class Members to participate in the proceedings convened to
10 determine whether the proposed Settlement Agreement should be given final approval.

11 2. The Court finds that no Settlement Class Member opted out of the Settlement
12 Agreement or filed a timely objection to the Settlement Agreement.

13 3. The Court makes final the conditional settlement class certification contained in
14 the Preliminary Approval Order, and thus makes final for purposes of the Settlement Agreement
15 the certification, pursuant to Fed. R. Civ. P. 23(g)(1)(A), of a settlement class whose members
16 consist of:

17 All current and former Petco employees employed as pet groomers and/or in
18 similar capacities in Washington State during the Settlement Class Period (the
 period of time from June 22, 2014 through May 1, 2018).

19 4. The Court finds that the Settlement Agreement is fair, reasonable, and adequate as
20 to the Settlement Class, Plaintiff and Defendant, and is the product of good faith, arms’-length
21 negotiations between the parties. The Court further finds that the Settlement Agreement is
22 consistent with public policy, and fully complies with all applicable provisions of law.
23 Accordingly, the Court hereby finally and unconditionally approves the Settlement Agreement
24 pursuant to Fed. R. Civ. P. 23(e)(1), and specifically:

25 a. Approves the Settlement Amount of \$875,000 as specified in and subject to
26 the terms of the Settlement Agreement;

b. Approves the distribution of the Net Settlement Class Fund to Participating Settlement Class Members in the manner specified in and subject to the terms of the Settlement Agreement;

c. Approves payment to Simpluris, Inc., the Settlement Administrator, of Settlement Administration Expenses in the amount of \$11,497.63; and

d. Approves and orders that in all other particulars the Settlement Agreement be carried out by the Parties and the Settlement Administrator subject to the terms thereof and subject to the terms of this Court's Order concerning Plaintiff's Motion for Approval of Attorneys' Fees, and Costs and Class Representative Award (Dkt. 19).

5. The Court orders that, following the Settlement Effective Date as defined in the Settlement Agreement, the Parties and the Settlement Administrator shall carry out the following implementation schedule for further actions and proceedings:

Within 7 business days of Settlement Effective Date	Deadline for Petco to transfer Settlement Amount to the Settlement Administrator
Within 30 days of Settlement Effective Date	<p>Deadline for Settlement Administrator to mail settlement payments from Net Settlement Class Fund to all Participating Settlement Class Members;</p> <p>Deadline for Settlement Administrator to distribute attorneys' fees and costs to Settlement Class Counsel as awarded by the Court; and</p> <p>Deadline for Settlement Administrator to distribute Settlement Class Representative Award as awarded by the Court.</p>
Within 90 days after settlement payments checks from Net Settlement Class Fund are mailed ("Settlement Check Cashing Deadline")	Settlement Class Members shall cash their checks

At least 60 days after the Settlement Check Cashing Deadline and within 150 days of the Settlement Effective Date

Settlement Administrator shall void uncashed settlement checks and transmit the value of such uncashed checks to the Washington State Department of Revenue Unclaimed Property Fund in the name of the Settlement Class Members

6. Upon the Settlement Effective Date, Plaintiff and all Settlement Class Members who did not timely and properly request to be excluded from the settlement shall be bound by this Final Approval Order and shall be deemed to have released any and all claims described in Paragraph 2 of the Settlement Agreement (the "Released Claims"). Plaintiff and all Settlement Class Members who have not timely and properly request to be excluded from the settlement shall be and hereby are enjoined from filing, initiating or continuing to prosecute any actions, claims, complaints, or proceedings with respect to the Released Claims.

7. This action is hereby dismissed with prejudice; provided, however, that without affecting the finality of this Order, the Court retains exclusive and continuing jurisdiction over the action for purposes of supervising, implementing, interpreting and enforcing this Order and the Settlement Agreement, as may become necessary, until all of the terms of the Settlement Agreement have been fully carried out.

IT IS SO ORDERED, ADJUDGED AND DECREED.

DATED this 9th day of November, 2018.


 BENJAMIN H. SETTLE
 United States District Judge

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KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
 Seattle, WA 98101-3052
 TELEPHONE: (206) 623-1900
 FACSIMILE: (206) 623-3384